



(/DEFAULT.ASPX)

Civil  
Case Information  
Seventh Judicial Circuit of Logan County

17-C-244  
Judge: JOSHUA BUTCHER  
CHARLES ADAMS VS. CHESAPEAKE ENERGY CORP.

Plaintiff(s)

Plaintiff Attorney(s)

ADAMS, CHARLES

N/A

Defendant(s)

Defendant Attorney(s)

CHESAPEAKE ENERGY  
CHESAPEAKE APPALACHI  
CHESAPEAKE OPERATING LLC

N/A

Date Filed: 08/30/2017

Case Type:

Appealed: 0

Final Order Date: N/A

Statistical Close Date: N/A

<u>Line</u>	<u>Date</u>	<u>Action / Result</u>
0001	08/30/2017	COMPLAINT FILED, SUMMONS ISSUED TO CHESAPEAKE ENERGY CORP.
0002		9171999991703607110843, CHESAPEAKE APPALACHIA LLC, 9171999991
0003		703607110836, CHESAPEAKE OPERATING LLC, 9171999991703607110829,
0004		FILED.PC
0005	09/20/2017	ECARD FOR CHESAPEAKE ENERGY, 09/05/17 FILED.PC
0006	09/20/2017	ECARD FOR CHESAPEAKE APPALACHIA LLC, 09/05/17, FILED.PC
0007	09/20/2017	ECARD FOR CHESAPEAKE OPERATING LLC, 09/05/17, FILED. PC

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Software Computer Group | PO Box 27 | Fraziers Bottom WV 25082

IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA

CHARLES RAYMOND ADAMS,  
KAREN SUE ADAMS, &  
DREAMA JOYCE DAVIS

Plaintiff,

v.

Judge: *Butcher*

Civil Action No.: 17-C-244-B

CHESAPEAKE ENERGY CORPORATION,  
CHESAPEAKE APPALACHIA, L.L.C.,  
CHESAPEAKE OPERATING, L.L.C.,  
Unnamed Defendants

COMPLAINT FOR DAMAGES

Now comes the Plaintiffs, Charles Raymond Adams, Karen Sue Adams, and Dreama Joyce Davis (hereinafter, "Plaintiffs") and through their counsel, Christina Kostenko, Esq., brings this action for damages. The Defendants knowingly allowed their oil and gas wells to leak high amounts of toxicants onto the Plaintiffs' properties causing significant damages.

RECEIVED & FILED:  
2017 AUG 30 PM 2:25  
CIRCUIT CLERK  
LOGAN COUNTY

- PARTIES
1. Plaintiffs are individuals and reside in Logan County, West Virginia.
  2. Defendant, Chesapeake Energy Corporation, is a corporation incorporated in Oklahoma and has its principal place of business in Oklahoma City, Oklahoma.
  3. Defendant, Chesapeake Appalachia, LLC, is an Oklahoma limited-liability company and has its principle place of business in Oklahoma City, Oklahoma. Chesapeake Appalachia is a limited liability company with Chesapeake Energy Corporation as its sole member.

4. Defendant, Chesapeake Operating LLC, is an Oklahoma limited liability company and has its principle place of business in Oklahoma City, Oklahoma. Chesapeake Operating LLC is a limited liability company with Chesapeake Energy Corporation as its sole member.

#### **JURISDICTION & VENUE**

5. Jurisdiction is proper as this is a civil case in which the Plaintiffs are claiming damages in excess of \$2,500.00
6. Venue is proper in the Circuit Court of Logan County, West Virginia because the Defendants do business in this county and this is where injury occurred and is still occurring.

#### **STATEMENTS OF FACT**

7. Defendants are the second largest producers of natural gas liquids in the United States.
8. Defendants have an oil and gas well located adjacent to the Plaintiffs' real property.
9. Defendants drilled the oil and gas well in the mid 2000s. (Approximately in 2007)
10. Plaintiffs noticed that the oil and gas well owned by Defendants was and is still leaking a black oily substance from the well. (Diesel Range Organics)
11. Plaintiffs own farm land where they raise cattle for their livelihood.
12. Plaintiffs also own a pond that used to be approximately 25 feet deep that supplied drinking water to Plaintiffs' animals.
13. Defendants' oil and gas well is on top of the hill above Plaintiffs' real property.

14. The Defendants' oil and gas well and "blow-off" pipes are leaking a black oil substance and the runoff leaks straight onto the Plaintiffs' property causing severe damages.
15. Due to the Defendants' leaking equipment, the Plaintiffs' property has now become extremely contaminated with diesel range organics.
16. Plaintiffs' water samples from their pond revealed an extremely unsafe amount of diesel range organics and have polluted their pond and surrounding property from the runoff.
17. Due to the Defendants' leaking equipment, the Plaintiffs' pond has decreased in size to approximately 3 feet in depth and the diesel range organics leaking from the Defendants' equipment has killed all of the Plaintiffs' fish along with every other living wildlife in the pond.
18. Plaintiffs' cattle have died from drinking the contaminated water from the pond caused by the Defendants' leaking equipment.
19. Plaintiffs had private well water for home consumption but the Defendants' operations contaminated their private wells.
20. Plaintiffs complained of their well water "stinking" before they switched their water source and stated that it was due to the Defendants' "sinking" their private wells.
21. Due to this contamination of their private well water, the Plaintiffs had to bear the cost of being placed on public water supplies.
22. Before the Plaintiffs switched to public water utility, the Plaintiffs would bathe in the contaminated water and their skin would itch, burn and turn red.
23. Plaintiffs' other animals, specifically their dogs, have fallen sick and have died from drinking the well water.

24. Plaintiffs have always lived on the said real property and they inherited it from their family.
25. Plaintiffs have never had a problem with their well water or their pond "drying up."
26. Plaintiffs own the right-of-way and has a contract with the Defendants.
27. Defendant activity on the right-of-way have caused Plaintiffs road, that leads to their family cemetery, to deteriorate and erode.
28. The gravel used by the Defendants has fallen off of the road and landed near and in Plaintiffs' pond.
29. Both attorneys for the parties agreed that Defendants were only allowed on the property with Plaintiffs' permission and that Plaintiffs would escort the Defendants onto the said property due to continuous breaches in their contract.
30. Defendants have continuously breached their agreement and have even pulled a gun out and pointed it at Plaintiff, Charles Adams.
31. Defendants have continuously broken and cut the locks off of Plaintiffs' gate that leads to the oil and gas well and has replaced it with their own on numerous occasions.
32. Plaintiffs', along with other family members, want to access their family cemetery and can no longer do so and it has caused extreme emotional problems and conflict to Plaintiffs and their family members.

#### **COUNT I- PRIVATE NUISANCE**

33. Plaintiffs re-allege and incorporated herein all the allegations contained in previous paragraphs.
34. Plaintiffs have suffered substantial and unreasonable interference with the private use and enjoyment of their land.

35. Plaintiffs have suffered physical property damage and bodily injury due to the Defendants not properly maintaining their "fracking" operations.
36. The activity, "fracking" well and operations, involves more than a slight inconvenience or petty annoyance and instead involves a real and appreciable invasion of that private use and enjoyment.
37. The gravity of the harm outweighs the social value of the activity alleged to cause the harm.

**COUNT II- INTENTIONAL INFILITON OF EMOTIONAL DISTRESS**

38. Plaintiffs re-allege and incorporated herein all the allegations contained in previous paragraphs.
39. Defendants' acts of pointing a loaded gun at Plaintiff, Charles Adams, due to conflicts concerning Defendants' negligent drilling practices is extreme and outrageous and was beyond the bounds of acceptable conduct in a civilized society
40. Defendants' act of pointing a loaded gun at Plaintiff, Charles Adams, was intentional or reckless, or could reasonably be foreseen to cause a reasonable person serious emotional trauma.
41. Defendants' act of pointing a loaded gun at Plaintiff, Charles Adams, is the actual and proximate cause of severe and serious emotional distress.

**COUNT III- INTENTIONAL INFILITON OF EMOTIONAL DISTRESS**

42. Plaintiffs re-allege and incorporated herein all the allegations contained in previous paragraphs.

43. Defendants' acts of intentionally allowing their leaking equipment to pollute Plaintiffs' real property and water supply is extreme and outrageous and was beyond the bounds of acceptable conduct in a civilized society.

44. Defendants' acts of allowing their leaking equipment to pollute Plaintiffs' real property and water supply is intentional and reckless, and was intended to, or could reasonably be foreseen to cause a reasonable person serious emotional trauma.

45. Defendants' acts of allowing their leaking equipment to pollute Plaintiffs' real property and water supply is the actual cause of severe and serious emotional distress.

#### **COUNT IV- NEGLIGENCE**

46. Plaintiffs re-allege and incorporated herein all the allegations contained in previous paragraphs.

47. Defendants had a duty to maintain their "fracking" well and operations.

48. Defendants breached that duty and have not maintained their well or operations.

49. Defendants breached their duty to maintain their "fracking" operations and it is the cause of Plaintiffs' damages to their property, farm animals, house pets, health and water supply, among other damages.

#### **COUNT V- TRESPASSING**

50. Plaintiffs re-allege and incorporated herein all the allegations contained in previous paragraphs.

51. Defendants have knowingly and without being authorized, licensed or invited, to enter or remain on Plaintiffs' property, as to which notice against entering or remaining is either given by actual communication to such person or by posting or fencing.

52. Defendants have on numerous occasions trespassed and broken/cut Plaintiffs' lock on their gate, after being verbally told to stay off Plaintiffs' property.

53. Defendant's operations have leaked an enormous amount of pollution onto Plaintiffs' properties causing severe property damage.

#### **COUNT VI- BREACH OF WRITTEN CONTRACT**

54. Plaintiffs re-allege and incorporate herein all the allegations contained in previous paragraphs.

55. These parties have a written contract for a right-of-way easement.

56. Defendant breached the terms of the contract in bad faith by not maintaining the right-of-way.

57. The bad faith breach of the contract has caused damages to Plaintiffs and their real property.

#### **COUNT VII- STRICT LIABILITY**

58. Plaintiffs re-allege and incorporate herein all the allegations contained in previous paragraphs.

59. Defendants have engaged in an unduly dangerous activity.

60. Defendants' unduly dangerous activity is abnormal to its surroundings.

61. Defendants' "fracking" operations have caused, and involved, a high degree of risk to Plaintiffs.

62. Defendants' "fracking" operations are abnormal in the community, and are inappropriate to the surroundings.

63. Defendants' actions have caused severe damages to Plaintiffs and their property.

64.

WHEREFORE, Plaintiffs respectfully request that they be awarded any and all damages to compensate them in an amount no less than \$4,000,000.00 for pain, suffering, injury, grief, annoyance and inconvenience, aggravation, depression, anxiety, medical bills and expenses, expert fees and costs, attorney fees, punitive damages, loss of use damages, exemplary damages, general damages, special damages, compensatory damages, actual damages, treble damages, monetary damages, pre and post-judgment interest, and for any other damages and relief that this Honorable Court deems appropriate or just.

**PLAINTIFF DEMANDS TRIAL BY JURY**

Respectfully submitted,

s/Christina Kostenko  
Christina Kostenko (WV Bar #12761)  
Coal Country Law Firm  
P.O. Box 85  
Daniels, West Virginia 25832  
(304) 673-9774

**IN THE CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

**CHARLES RAYMOND ADAMS,  
KAREN SUE ADAMS, &  
DREAMA JOYCE DAVIS**

**Plaintiff,**

**Judge:**

**v.**

**Civil Action No.:**

**CHESAPEAKE ENERGY CORPORATION,  
CHESAPEAKE APPALACHIA, L.L.C.,  
Unnamed Defendants**

**Certificate of Service**

I, Christina Kostenko, do hereby certify that a true and correct copy of the foregoing  
**COMPLAINT** was duly served on the following individuals as indicated on this 9th day of  
August 2017, addressed as follows:

Mark McGrew, Clerk of the Circuit Court of Logan County  
Logan County Courthouse  
300 Stratton Street  
Logan, WV 25601

Respectfully submitted,

s/Christina Kostenko  
Christina Kostenko (WV Bar #12761)  
Attorney at Law  
P.O. Box 85  
Daniels, West Virginia 25832

**CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

Civil Action, No.

CHARLES ADAMS, *et al*, Plaintiffs )  
v. )    *Summons*  
CHESAPEAKE ENERGY CORP., *et al*, Defendants )

17-C-244-B

*To the above-named Defendant:*

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Christina Kostenko, Esq., whose address is P.O. Box 85, Daniels, WV 25832, an answer, including any related counterclaim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

*[Signature]*  
Clerk of Court

Dated 8/30/17

Respectfully submitted,

*[Signature]*  
Christina Kostenko, Esq. (WV Bar #12761)

P.O. Box 85  
Daniels, WV 25832  
[coalcountrylawfirm@gmail.com](mailto:coalcountrylawfirm@gmail.com)  
*Counsel for Plaintiffs*

CHARLES ADAMS, *et al*

**CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

**Civil Action, No.**

CHARLES ADAMS, et al, Plaintiffs )  
v. ) Summons  
CHESAPEAKE ENERGY CORP., et al, Defendants )

17-C-244-B

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**Clerk of Court**

Dated 8/30/17

Respectfully submitted,

Christina Kostenko, Esq. (WV Bar #12761)  
P.O. Box 85  
Daniels, WV 25832  
[coalcountrylawfirm@gmail.com](mailto:coalcountrylawfirm@gmail.com)  
*Counsel for Plaintiffs*

CHARLES ADAMS, *et al*

**CIRCUIT COURT OF LOGAN COUNTY, WEST VIRGINIA**

**Civil Action, No.**

17-C-244-B

CHARLES ADAMS, et al, Plaintiffs )  
v. ) Summons  
CHESAPEAKE ENERGY CORP., et al, Defendants )

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**Clerk of Court**

Dated 8/30/11

Respectfully submitted,

Christina Kostenko, Esq. (WV Bar #12761)  
P.O. Box 85  
Daniels, WV 25832  
[coalcountrylawfirm@gmail.com](mailto:coalcountrylawfirm@gmail.com)  
*Counsel for Plaintiffs*

CHARLES ADAMS, *et al*



UNITED STATES  
POSTAL SERVICE.

Adams vs Chesapeake

CIRCUIT CLERK  
LOGAN COUNTY

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2011 SEP 14 P 4:07

PC

Date Produced: 09/11/2017

LOGAN COUNTY COMMISSION:

The following is the delivery information for Certified Mail™ item number 7199 9991 7036 0711 0843. Our records indicate that this item was delivered on 09/05/2017 at 07:18 a.m. in OKLAHOMA CITY, OK 73154. The scanned image of the recipient information is provided below.

Signature of Recipient :

Mr Jones  
Marty Jones

Address of Recipient :

1000 N May  
Oklahoma City  
OK 73101

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 0350624 37640877cc



17-C-244

PC

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CIRCUIT CLERK  
LOGAN COUNTY

01 SEP 14 P 4 07

Date Produced: 09/11/2017

## LOGAN COUNTY COMMISSION:

Adams US Chesapeake Energy

The following is the delivery information for Certified Mail™ item number 7199 9991 7036 0711 0836. Our records indicate that this item was delivered on 09/05/2017 at 07:18 a.m. in OKLAHOMA CITY, OK 73154. The scanned image of the recipient information is provided below.

Signature of Recipient :

uno	M. Jones
dos	Marty Jones
tres	

Address of Recipient :

uno	
dos	
tres	

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

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17-C-244

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M 11 SEP 14 P 4:07CIRCUIT CLERK  
LOGAN COUNTY

Date Produced: 09/11/2017

LOGAN COUNTY COMMISSION:

Adams US Chesapeake Energy

The following is the delivery information for Certified Mail™ item number 7199 9991 7036 0711 0829. Our records indicate that this item was delivered on 09/05/2017 at 07:18 a.m. in OKLAHOMA CITY, OK 73154. The scanned image of the recipient information is provided below.

Signature of Recipient :

Mr	M Jones
ed	Marty Jones
is	

Address of Recipient :

any	
use	

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 0350624 37640877cc

IN THE CIRCUIT COURT OF

LOGAN

COUNTY, WEST VIRGINIA

**CIVIL CASE INFORMATION STATEMENT**  
**(Civil Cases Other than Domestic Relations)**

**I. CASE STYLE:****Plaintiff(s)**

Charles Adams

Karen Adams

Dreama Davis

vs.

**Defendant(s)**

Chesapeake Energy Corp.

Name

P.O. Box 18496

Street Address

Oklahoma City, OK 73154-0496

City, State, Zip Code

Case No. 17-C-244Judge: ButcherDays to  
Answer

30

91 7199 9991 7036 0711 0843

## Type of Service

4(d)(D)- certified mail by clerk

RECEIVED & FILED  
11 AUG 30 P 2:23CIRCUIT CLERK  
LOGAN COUNTY**II. TYPE OF CASE:**

- General Civil  
 Mass Litigation [As defined in T.C.R. 26.04(a)]  
 Asbestos  
 FELA Asbestos  
 Other: \_\_\_\_\_  
 Habeas Corpus/Other Extraordinary Writ  
 Other: \_\_\_\_\_

- Adoption  
 Administrative Agency Appeal  
 Civil Appeal from Magistrate Court  
 Miscellaneous Civil Petition  
 Mental Hygiene  
 Guardianship  
 Medical Malpractice

**III. JURY DEMAND:**  Yes  No CASE WILL BE READY FOR TRIAL BY (Month/Year): /

**IV. DO YOU OR ANY  
OF YOUR CLIENTS  
OR WITNESSES  
IN THIS CASE  
REQUIRE SPECIAL  
ACCOMMODATIONS?**

Yes  No

**IF YES, PLEASE SPECIFY:**

- Wheelchair accessible hearing room and other facilities  
 Reader or other auxiliary aid for the visually impaired  
 Interpreter or other auxiliary aid for the deaf and hard of hearing  
 Spokesperson or other auxiliary aid for the speech impaired  
 Foreign language interpreter-specify language: \_\_\_\_\_  
 Other: \_\_\_\_\_

Attorney Name: Christina Kostenko

Firm: Coal Country Law Firm, LC

Address: P.O. Box 85 Daniels, WV 25832

Telephone: 304-673-9774

## Representing:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant           |
| <input type="checkbox"/> Cross-Defendant      | <input type="checkbox"/> Cross-Complainant   |
| <input type="checkbox"/> 3rd-Party Plaintiff  | <input type="checkbox"/> 3rd-Party Defendant |

 Proceeding Without an AttorneyOriginal and 4 copies of complaint enclosed/attached.Dated: 8 / 9 / 2017Signature: s/Christina Kostenko

Plaintiff: Charles Adams , et al Case Number: \_\_\_\_\_  
vs.  
Defendant: Chesapeake Energy Corp , et al

**CIVIL CASE INFORMATION STATEMENT  
DEFENDANT(S) CONTINUATION PAGE**

Chesapeake Appalachia LLC	91 7199 9991 7036 0711 0836
Defendant's Name	Days to Answer: 30
P.O. Box 548806	Type of Service: 4(d) (D)- certified mail by clerk
Street Address	
Oklahoma City, OK 73154-8806	
City, State, Zip Code	
Chesapeake Operating LLC	91 7199 9991 7036 0711 0829
Defendant's Name	Days to Answer: 30
P.O. Box 548806	Type of Service: 4(d)(D)- certified mail by clerk
Street Address	
Oklahoma City, OK 73154-8806	
City, State, Zip Code	
Defendant's Name	Days to Answer: _____
Street Address	Type of Service: _____
City, State, Zip Code	
Defendant's Name	Days to Answer: _____
Street Address	Type of Service: _____
City, State, Zip Code	
Defendant's Name	Days to Answer: _____
Street Address	Type of Service: _____
City, State, Zip Code	
Defendant's Name	Days to Answer: _____
Street Address	Type of Service: _____
City, State, Zip Code	
Defendant's Name	Days to Answer: _____
Street Address	Type of Service: _____
City, State, Zip Code	